

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 7, 8 and 10-22 are pending. Claims 5-6, 9, and 23-24 have been canceled without prejudice and disclaimer of subject matter. Claim 1 and 14, which are independent, are amended in this paper. Support for this amendment is provided throughout the Specification as originally filed, specifically at page 23, lines 9-15.

No new matter has been introduced. Changes to claims are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. SUPPORT FOR THIS AMENDMENT**

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

As an example, support of the amendment can be found at page 23, lines 9-15 of the Specification, which is reproduced as follows:

Page 23, lines 9-15, After the channel is established, the communication I/F 310 receives signals including image signals and audio signals that are input from each user terminal apparatus 100. and outputs them to the advertisement information adding section 320. Moreover, the communication I/F310 transmits

signals including image signals and audio signals that are input from the advertisement information adding section 320 to each user terminal apparatus.

### III. REJECTIONS UNDER 35 U.S.C. §112 AND §103(a)

Claims 1-4, 7, 8, and 10-22 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Claims 1-4, 7, 8, 12-19, and 22 were rejected under 35 U.S.C. §103(a) over Publication No. WO/98/28908 to Crampton et al. (hereinafter, merely "Crampton") and in view of U.S. Patent No. 5,850,222 to Cone et al. (hereinafter, merely "Cone").

Claims 10, 11, 20, and 21 were rejected under 35 U.S.C. §103(a) over Crampton in view of Cone and further in view of "ValuePay.Com-Get Paid to Use piggy!, A Unique Internet Service Launched" (hereinafter, merely "Piggy").

### IV. RESPONSE TO REJECTIONS

#### A. Response to Rejections under 35 U.S.C. §112

Claims 1-4, 7, 8, and 10-22 are amended, thereby obviating the rejections.

#### B. Rejections under 35 U.S.C. §103(a)

Independent claim 1 recites, *inter alia*:

**...wherein the communication terminal apparatus is configured to performing telephone calls, and the transmitting step transmits the third image data to the second communication terminal apparatus when the first communication terminal apparatus and the second communication terminal apparatus are connected for a telephone call. (emphasis added)**

Applicants respectfully submit that Crampton, Cone, and Piggy, taken either alone or in combination, fail to disclose or render predictable the above-identified features of claim 1. Specifically, nothing is found that discloses or render predictable **“wherein the communication terminal apparatus is configured to performing telephone calls, and the transmitting step transmits the third image data to the second communication terminal apparatus when the first communication terminal apparatus and the second communication terminal apparatus are connected for a telephone call,”** as recited in claim 1.

Furthermore, independent claim 1 recites, *inter alia*:

**...detecting at least the first user’s face, hands, outwear and a position of the first user’s face, hands, and outwear by matching feature points extracted from the first image data according to luminance and color of the first image data with a database.** (emphasis added)

The Office Action (see page 5) relies on page 8. paragraph 2 of Crampton to rejection **“detecting at least the first user’s face, hands, outwear and a position of the first user’s face, hands, and outwear by matching feature points extracted from the first image data according to luminance and color of the first image data with a database,”** as recited in claim 1. Applicants respectfully disagree.

Claim 1 recites **“feature points extracted from the first image data according to luminance and color of the first image data.”** In contrast, the cited portion of Crampton describes a method of taking images of a person rather than extracting featuring points of a person. Applicants submit that other part of Crampton, as cited and asserted by the Office Action (see page 5, line 5), describes that feature points are extracted **based on “known posture”** (see page 9, paragraph 3 of Crampton) that can not be interpreted by an person of

ordinary skill in the art as “feature points extracted **according to luminance and color of the first image data**,” as recited in claim 1. Applicants further submit that Cone and Piggy do not cure the deficiency of Crampton.

Therefore, for at least the above discussed reasons, claim 1 is patentable.

As claim 14 is similar, or somewhat similar, in scope to claim 1, claim 14 is patentable for similar, or somewhat similar, reasons.

As nothing in the references cited in the Office Action cures the above-identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections.

#### **V. DEPENDENT CLAIMS**

As the other claims are each dependent from one of the independent claims discussed above, they are also patentable for at least the same reasons. As nothing in the references cited in the Office Action cures the above-identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

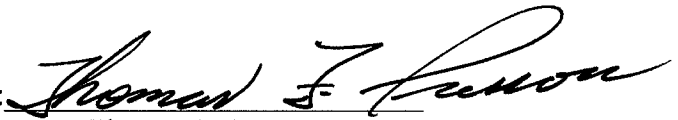
Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, and these reasons are fully responsive to every ground of objection and rejection in the prior Office Action and presents arguments pointing out the specific distinctions believed to render the claims patentable over any applied references. See 37 CFR 1.111(b). Thus in the interests of brevity and compact prosecution, this response does not comment on each and every

comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments, as well as the right to present arguments related thereto.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,  
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